IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1984 OF 2006

E.S.I.C ...Applicant

Versus

M/s.Bharat Auto & Metal Works ...Respondent

Shri H.V.Mehta for the Applicant.

CORAM : A. S. OKA, J.
DATE : JANUARY 17, 2007.

P.C.:

1. Heard the Advocate appearing for Applicant. Following substantial questions of law arise:

(i) Whether the learned Trial Judge was right in awarding interest on the amount due and payable to the Appellant Corporation only upto the date of show cause notice dated 29.05.1992 contrary to the statutory provision under Section 39(5) of the ESI Act?

(ii) Whether the learned Trial Judge was right in awarding the interest only upto the date of issuance of show cause notice i.e. 29.05.1992, contrary to the judgment of the Calcutta High Court in the matter of ESI Corporation Vs. Steelo Products reported in 2004 CLR at Page 801, wherein the Calcutta High Court has held

that simple interest is required to be paid till the last day of the actual payment?

Appeal is admitted on aforesaid substantial questions of law.

3. Private paperbook along with Decree Form shall be filed by the Appellant within a period of one year from today. If compliance is not made within stipulated time, the Appeal shall stand dismissed for want of prosecution without further reference to the Court.

JUDGE